

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VOIP-PAL.COM, INC.

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC.;
CELLCO PARTNERSHIP dba VERIZON
WIRELESS; VERIZON SERVICES, CORP.;
and VERIZON BUSINESS NETWORK
SERVICES, INC.,

Defendants.

Case No. 6:21-cv-672-ADA

**VOIP-PAL.COM'S OPPOSITION TO VERIZON DEFENDANTS' SUPPLEMENTAL
SUBMISSION IN SUPPORT OF MOTION FOR ATTORNEYS' FEES
UNDER 35 U.S.C. §285**

The Court should not grant Verizon supplemental attorneys' fees in the amount of \$211,127.50. Not only has Verizon failed to meet its burden to show that this case is exceptional, but Verizon's supplemental request is unreasonable for many of the same reasons outlined in VoIP-Pal's Opposition to Verizon's Motion for Attorneys' Fees, which VoIP-Pal incorporates by reference. Verizon's supplemental fee request represents nearly twenty-five percent of its total fee request even though it covers virtually no work on the merits of the case. The reason for this disproportionality is that Verizon's supplemental fee request is more heavily weighted towards Verizon's hourly fee arrangement with its counsel as opposed to its fixed fee arrangement. Indeed, Verizon seeks only \$25,000 in fixed fee billings. Yet again, Verizon failed to include a copy of its fee agreement with its counsel. Therefore, Verizon leaves VoIP-Pal and the Court with no way to determine how its lead counsel allocated its fees between the hourly arrangement and the fixed

arrangement or whether the allocation is reasonable. Additionally, Verizon seeks supplemental local counsel fees of \$49,192.50—nearly twenty-five percent of Verizon’s supplemental request—which VoIP-Pal submits is excessive given the nature of the work performed by Verizon’s local counsel.

In short, Verizon has not established that it is entitled to an award of attorney’s fees under 35 U.S.C. §285. Moreover, Verizon’s supplemental fee request is unreasonable for the reasons above and those stated in VoIP-Pal’s Opposition to Verizon’s Motion. Accordingly, Verizon’s Motion for Attorneys’ Fees should be denied in its entirety.

Dated: March 24, 2025

Respectfully submitted,

/s/Lewis E. Hudnell, III

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**ATTORNEYS FOR PLAINTIFF
VOIP-PAL.COM, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that on March 24, 2025, VoIP-Pal.com filed **VOIP-PAL.COM'S OPPOSITION TO VERIZON DEFENDANTS' SUPPLEMENTAL SUBMISSION IN SUPPORT OF MOTION FOR ATTORNEYS' FEES UNDER 35 U.S.C. §285** with the Court's ECF system and served via e-mail to all counsel of record who are deemed to have consented to electronic service with a copy of the forgoing under the Federal Rules of Civil Procedure and Local Rule CV-5.2(e).

By: /s/Lewis E. Hudnell, III
Lewis E. Hudnell, III